UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 WYNKOOP STREET
DENVER, COLORADO 80202-1129

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. § 1251 et seq; "the Act"),

The U.S. GOVENMENT AGENCY-FACILITY NAME

is authorized to discharge from municipal separate storm sewer system outfalls existing as of the effective date of this Permit,

to, **XXX** and other associated waters of the United States within the exterior boundaries of FCI Englewood in the City of Lakewood, Jefferson County, Colorado, latitude 39°38'32.14" N and longitude 105°5'43.15" W

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the Permit.

This Permit shall become effective **to be determined upon issuance**

This Permit and the authorization to discharge shall expire at midnight, **to be determined upon issuance**

Signed this_____day of

_____

Authorized Permitting Official

Darcy O'Connor
Assistant Regional Administrator
Office of Water Protection

1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1.1. Definitions.

The *7-day (and weekly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week, which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.

The *30-day (and monthly) average*, other than for microbiological organisms (e.g., bacteria, viruses, etc.), is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for microbiological organisms unless specified otherwise in the Permit. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.

Composite samples shall be flow proportioned. The composite sample shall, at a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours, nor more than twenty-four (24) hours. Acceptable methods for the preparation of composite samples are as follows:

a. Constant time interval between samples, sample volume proportional to flow rate at the time of sampling;

b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time of the first sample was collected may be used;

c. Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,

d. Continuous collection of sample with sample collection rate proportional to flow rate.

CWA means the Clean Water Act (formerly referred to as either the Federal Water Pollution Act or the Federal Water Pollution Control Act Amendments of 1972), Pub. L. 92-500, as amended by Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, Pub. L. 97-117, and Pub. L. 100-4. In this Permit the CWA may be referred to as "the Act".

Daily Maximum (Daily Max.) is the maximum measured value for a pollutant discharged during a calendar day or any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with daily maximum limitations expressed in units of mass (e.g., kilograms, pounds), the daily maximum is calculated as the total mass of pollutant discharged over the calendar day or representative 24-hour period. For pollutants with limitations expressed in other units of measurement (e.g., milligrams/liter, parts per billion), the daily maximum is calculated as the average of all measurements of the pollutant over the calendar day or representative 24-hour period.

If only one measurement or sample is taken during a calendar day or representative 24-hour period, the single measured value for a pollutant will be considered the daily maximum measurement for that calendar day or representative 24-hour period.

Daily Minimum (Daily Min.) is the minimum value allowable in any single sample or instantaneous measurement collected during the course of a day.

Director means the Regional Administrator of the EPA Region 8 or an authorized representative.

EPA means the United States Environmental Protection Agency.

E. coli means Escherichia coli.

Grab sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

Instantaneous measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Stormwater means storm water runoff, snow melt runoff, and surface runoff and drainage.

Sufficiently Sensitive – An analytical chemical-specific test method is sufficiently sensitive when:

- The method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or

  The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter.

1.2. Permit Area.

This Permit covers all areas of the municipal separate storm sewer system (MS4) within the exterior boundary of the Federal Correction Institution (FCI) Englewood.

1.3. Description of Discharge Point(s):

During the Effective Dates of this Permit, the Permittee is authorized to discharge stormwater from all portions of the MS4 within the exterior boundaries of the Federal Correction Institution (FCI) Englewood.

1.3.1. This Permit also authorizes the discharge of stormwater commingled with those discharges (allowable non-stormwater discharges) set forth in **Part 1.4.2** of this Permit.

1.4. Limitations on Permit Coverage

1.4.1. The Permittee must prohibit all types of non-stormwater discharges into its MS4, except for

allowable non-stormwater discharges described in **Part 1.4.2**.

1.4.2. Allowable Non-Stormwater Discharges:

The following sources of non-stormwater discharges are allowed to be discharged into the MS4 unless the Permittee determines they are significant contributors of pollutants. If the Permittee identifies any of the following categories as a significant contributor of pollutants, the Permittee must include the category as an illicit discharge (see **Part 2.4**).

- Discharges authorized by a separate NPDES permit;
- Discharges in compliance with instructions of an On-Scene-Coordinator pursuant to 40 CFR Part 300 or 33 CFR 153.10(e);
- Water line flushing;
- Landscape irrigation;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration;
- Uncontaminated pumped ground water;
- Discharges from potable water sources;
- Foundation drains;
- Air conditioning condensate;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Street wash water;
- Power washing where no chemicals are used;
- Roof drains;
- Fire hydrant flushings;
- Emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to minimize the impact of such discharges; and

Discharges or flows from firefighting

1.4.3. Stormwater Discharges Associated with Industrial Activity.

This Permit does not authorize stormwater discharges associated with industrial activity as defined in 40 CFR § 122.26(b)(14)(i)-(ix) and (xi).

1.4.4. Stormwater Discharges Associated with Construction Activity.

This Permit does not authorize stormwater discharges associated with construction activity as defined in 40 CFR § 122.26(b)(14)(x) or 40 CFR § 122.26(b)(15).

2. STORMWATER MANAGEMENT PROGRAM (SWMP)

2.1. General Requirements:

2.1.1. The Permittee must continue to develop, implement, and enforce a SWMP. The SWMP must include management practices, control techniques, system design, engineering methods, and other provisions appropriate for the control of pollutants discharged from the MS4.

2.1.2. The Permittee must develop a **written Stormwater Management Plan**. This plan shall serve as a guideline which describes how the Permittee is meeting each of the elements required by the Stormwater Management Program. The Stormwater Management Plan does not need to be a comprehensive document which describes all procedures. However, the plan should reference policies, procedures, or other documents which provide additional details used to comply with the terms of this Permit.

2.1.3. The Permittee must fully implement the SWMP; including meeting its measurable goals. Progress must be tracked in the annual report (see **Part 3.2**).

2.1.4. The SWMP must include each of the minimum control measures of **Parts 2.2-2.7**.

2.1.5. The Permittee must conduct an annual review of the SWMP in conjunction with preparation of the annual report required under **Part 3.2**.

2.1.6. The EPA may request documentation of the minimum control measures as required by the SWMP. The EPA may review and subsequently notify the Permittee that changes to the SWMP are necessary to:

- Address discharges from the MS4 that are causing or contributing to water quality impacts;
- Include more stringent requirements deemed necessary by the EPA to comply with water quality standards, Endangered Species Act (ESA) related requirements, and/or other goals and requirements of the Clean Water Act; and/or
- Address the SWMP requirements of this Permit, if the EPA determines that the Permittee's current SWMP does not meet Permit requirements.

2.1.6.1. The EPA may request changes in writing and can require including a schedule to develop and implement the changes. The request will offer the Permittee the opportunity to propose alternative program changes to meet the objectives of the requested modification.

2.1.7. Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation. The Permittee must implement the SWMP on all new areas added to the Permittee's MS4 (or for which the Permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than one year from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

2.1.8. If the EPA notifies the Permittee that changes are necessary to ensure that stormwater discharges are not causing or contributing to a violation of water quality standards, the notification will offer the Permittee an opportunity to propose alternative program changes to meet the objectives of the requested modification. Following this opportunity, the Permittee must implement any required changes according to the schedule set by the EPA

2.2. Public Education and Outreach on Stormwater Impacts.

The Permittee must:

2.2.1. Define target audiences to be reached by the Public Education and Outreach Program which include but are not limited to grounds maintenance personnel, inmates, facility managers, non-staff residents, contract managers, workers engaging in industrial activities, and food service personnel.

2.2.2. At a minimum, disseminate informational material to the defined target audiences on both the general water quality goals of the Permit and provide education specific to the target audiences defined in Part 2.2.1 which addresses their potential pollutant sources and any policies and/or procedures that should be implemented to minimize the discharge of the defined pollutants in stormwater runoff. Informational materials shall be updated and distributed as necessary throughout the duration of this Permit, and should provide a location where all annual reports and/or SWMP updates as required by this Permit may be viewed;

2.2.3. Provide annual training to building managers, maintenance workers, and tenants on how to minimize, report, and recognize spills and illicit discharges. This training may be incorporated into a larger program to educate tenants and building managers related to environmental compliance or environmental awareness; and

2.2.4. Provide the grounds contractors or other parties responsible for pesticide and herbicide application with training related to the requirements for NPDES permitting and in the area of chemical disposal and stormwater runoff at least once during the effective term of this Permit or within one year of beginning a new contract, whichever is sooner.

2.2.5. The annual report (See **Part 3.2**) must document the following information related to public education and outreach:

2.2.5.1. A schedule for meeting the requirements in **Parts 2.2.1.-2.2.4**;

2.2.5.2. A description of the target audiences from **Part 2.2.1**;
2.2.5.3. A copy or representation of public outreach materials provided to the target audience(s); and

2.2.5.3. The name or title of the person(s) responsible for coordination and implementation of the stormwater public education and outreach program

2.3. Illicit Discharge Detection and Elimination.

An illicit discharge is any discharge to a MS4 that is not composed entirely of stormwater. Exceptions are described in **Part 1.3.2.** The Permittee must:

2.3.1. Implement a program to detect and eliminate illicit discharges into its MS4. The program shall include procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system. This program shall address dry weather discharges and illegal dumping into the storm sewer system, and include training for staff on how to respond to reports of illicit discharges;

2.3.2. Maintain an enforcement policy which effectively prohibits, through ordinance or other

regulatory or contractual mechanism available under the legal authorities of the MS4, non stormwater discharges into the storm sewer system and implement appropriate enforcement procedures and actions. The enforcement policy should include a description of the range of actions to be taken by FCI Englewood in response to an illicit discharge;

2.3.3. Provide a mechanism for reporting of illicit discharges and provide this number on any outreach materials as appropriate. For each of the illicit discharges identified, the Permittee shall provide a brief description that outlines how that illicit discharge was identified and the procedures taken to characterize and/or eliminate the illicit discharge;

2.3.4. Provide emergency spill contact information to all building managers, project managers, and tenants;

2.3.5. Investigate any illicit discharge within fifteen (15) days of its detection, and take action to eliminate the source of the discharge within forty five (45) days of its detection (or obtain permission from the EPA for such longer periods as may be necessary in particular instances). If illicit discharges can be determined through sampling and analysis to be allowable non-stormwater discharges as defined in **Part 1.3.2** of the Permit (e.g., groundwater, foundation drains), then elimination of the source of the discharge may not be appropriate;

2.3.6. Maintain an information system which tracks dry weather screening efforts, illicit discharge reports, and the location and any remediation efforts to address identified illicit discharges;

2.3.7. Conduct dry weather screening annually at each of the major outfalls for the presence of non-stormwater discharges and to determine if there are significant erosion issues which need to be addressed. If an illicit discharge is detected, an assessment of that discharge shall be made. The assessment should first be used to determine the source of the dry weather discharge and if it can be readily remedied (e.g., landscape watering) Field sampling should be used when it is not possible to eliminate a dry weather discharge. Sampling could include field tests of selected chemical parameters as indicators of discharge sources where dry weather flows are detected. Screening level tests may utilize less expensive "field test kits" using test methods not approved by the EPA under 40 CFR Part 136, provided the manufacturer's published detection ranges are adequate for the illicit discharge detection purposes; and

2.3.8. Develop and maintain an updated map of the stormwater drainage system within the FCI Englewood property showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls.

2.3.9. The annual report (See **Part 3.2**) must document the following information related to illicit discharge detection and elimination:

2.3.9.1. A description of the program used to detect and eliminate illicit discharges into the MS4; including procedures for detection, identification of sources, and removal of non-stormwater discharges from the storm sewer system;

2.3.9.2. A description of the location and method of dry weather screening performed;

2.3.9.3. A description of illicit discharges located and all actions taken to eliminate sources of illicit discharges;

2.3.9.4. A description or citation of the established ordinance or other regulatory mechanism used to

prohibit illicit discharges into the MS4;

2.3.9.5. A copy or excerpt from the information management system used to track illicit discharges;

2.3.9.6. A description of the categories of non-stormwater discharges evaluated as potentially being significant contributors of pollutants to the MS4 and any local controls placed on these discharges; and

2.3.9.7. A description of the schedule and/or progress in creating a complete storm sewer map.

2.4. Construction Site Stormwater Runoff Control.

The Permittee must:

2.4.1. Require all contractors having a potential of disturbing one or more acres of land to acquire a permit as required by local, state, and federal guidelines;

2.4.2. Provide training to contracting office representatives which perform daily inspections regarding the maintenance and installation of Best Management Practices (BMPs) for construction stormwater control and the terms of the construction stormwater Permit. This training is required at least once during the term of this Permit or within one year of hiring new contracting office representatives, whichever is sooner, and shall include procedures for how representatives will document and submit findings to FCI Englewood staff;

2.4.3. Maintain a list of policies and/or procedures which can be used to enforce construction site compliance within FCI Englewood, and implement procedures for documenting deficiencies in contract performance based on compliance with construction stormwater regulations. This may include working with other cities, drainage districts, and/or utilizing the EPA for enforcement of construction stormwater violations and shall address enforcement mechanisms for non-FBOP construction projects (e.g., Jefferson County road construction). The policies and/or procedures shall incorporate an escalation protocol (e.g., a warning for first-time violators, followed by an administrative action or an action with a penalty for subsequent violations;

2.4.4. Review the scope of work for all construction projects by environmental staff to assess whether proposed management practices (e.g., sediment control structures) are realistic and to ensure compliance with the stormwater construction Permit requirements for developing a stormwater pollution prevention plan;

2.4.5. For inspection of new construction projects disturbing one acre or greater, use a construction site inspection checklist or other appropriate documentation specific to compliance with the terms of the construction stormwater Permit; and

2.4.6. Maintain and utilize a closure process whereby environmental staff or contracting office representatives evaluate whether 70% vegetative cover has been met at all areas of the site prior to closing out construction stormwater permits;

2.4.7. The annual report (See **Part 3.2**) must document the following information related to construction site stormwater runoff control:

2.4.7.1. A description of construction activities which disturbed greater than or equal to one acre of land;

2.4.7.2. A description or citation of the established ordinance or other regulatory mechanism used to require erosion and sediment controls;

2.4.7.3. A description of the sanctions and enforcement mechanisms FCI Englewood uses to ensure that construction activities disturbing equal to or greater than one acre of land are in compliance with the terms of the construction stormwater Permit;

2.4.7.4. A description of how contract performance can be rated for compliance with construction stormwater regulations;

2.4.7.5. A description of the procedures for site plan review, including the review of pre-construction site plans;

2.4.7.6. A description of the procedures for site inspection;

2.4.7.7. Documentation of training provided to contracting office representatives regarding the maintenance and installation of BMPs for construction stormwater control and the terms of the construction stormwater Permit; and

2.4.7.8. The name or title of the person(s) responsible for coordination and implementation of the construction site runoff control program.

2.5. Post-Construction Stormwater Management for New Development and Redevelopment.

Post-construction Stormwater Management for New Development and Redevelopment.

The permittee must:

2.6.1 Establish and implement a process to ensure that all new and re-development projects that disturb equal to or greater than one acre and that discharge into permittee's small MS4, are designed and constructed with permanent post-construction stormwater control measures designed to prevent or minimize water quality impacts using structural or nonstructural best management practices (BMPs) appropriate for Buckley AFB.

2.6.1.1 For purposes of this permit, such BMPs shall 1) be selected based on their ability to maintain onsite predevelopment runoff conditions, and 2) be implemented onsite, except to the extent it is impracticable to do so.

2.6.1.2 To the extent the permittee determines it is impracticable to maintain predevelopment runoff conditions by implementing such BMPs at a new or redevelopment site, it shall install or utilize, and maintain, additional stormwater control measures to prevent or minimize water quality impacts from the runoff from the new or redevelopment site.

2.6.1.3 Impracticability Determinations

2.6.1.3.1 Reasons for impracticability in Part 2.6.1.1. are:

(1) low soil infiltration capacity;
(2) shallow depth to bedrock;
(3) downgradient erosion;
(4) high groundwater table;

(5) high potential for groundwater contamination;
(6) flooding;
(7) existing underground facilities or utilities;
(8) safety considerations; or
(9) other operational or design considerations specific to the military function of Buckley Air Force Base.

2.6.1.3.2 The following information regarding any project for which it is deemed by the permittee to be impracticable during an annual reporting period must be documented and included in the corresponding annual report:

(1) Name, location, and identifying project description;
(2) The reason(s) for making the impracticability determination;
(3) Any information developed or relied upon to support the impracticability determination (e.g., feasibility analyses, geologic studies, groundwater data, etc.); and
(4) A description of other stormwater control measures implemented to meet the requirements of Part 2.6.1.2.

2.6.2. When updated, include hydrologic performance specifications and information related to the design and maintenance of permanent stormwater control measures in natural resource plans;

2.6.3. Include post-construction BMP "as-builts" for all newly installed permanent stormwater control measures in a georeferenced data management system;

2.6.4. Ensure that all newly installed post-construction stormwater control measures are working as designed prior to closing out contracts;

2.6.5. Upon closeout of new construction projects, include maintenance requirements for newly installed permanent post-construction stormwater control measures into a long-term maintenance plan (e.g., the recurring work program); and

2.6.6. Ensure that permanent post-construction stormwater control measures are included in any applicable warranty reviews.

2.6.7. The annual report (See Part 3.3) must document the following information related to post-construction site stormwater runoff control:

2.6.7.1. A description of any impracticability determinations made during the reporting period, including the information required by Part 2.6.1.3.2.

2.6.7.2 A description of the review procedures and the assumptions provided to ensure the long-term operation and maintenance of permanent stormwater control measures, including an excerpt from any data management system that includes maintenance requirements and schedules for permanent stormwater control measures installed during the year;

2.6.7.3. A description of the process used to ensure that all Buckley AFB scopes of work initiated after the effective date of the permit contain language which requires the installation of permanent stormwater control measures and an excerpt of applicable scopes of work language;

2.6.7.4. A description of any activities to include requirements or planning for permanent stormwater control measures in the natural resource plan; and

2.6.7.5. The name or title of the person(s) responsible for coordination and implementation of the post-construction stormwater management program.

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The Permittee must:

2.5.1. Include in contracts and requests for funding (e.g., a "prospective package") a requirement to design for and provide funding for the installation of permanent stormwater control measures designed to retain, detain, infiltrate or treat runoff from newly developed impervious surfaces in a manner consistent with Control Measure Design Standards (See **Part 2.6.9)** for all new projects which disturb greater than or equal to one acre of land. This should include a line item for costs associated with the installation and design of permanent stormwater control measures;

2.5.2. As part of the design review process for new construction projects disturbing equal to or greater than one acre, review contracts to ensure that they meet the Control Measure Design Standards defined in **Part 2.6.9**.;

2.5.3. For all new construction projects which will disturb one acre or greater of land, meet with appropriate city, county, and/or drainage district staff to discuss recently constructed or proposed new developments within the MS4 and how they may impact the water quality downstream;

2.5.4. Within two years of the effective date of this Permit, provide and document training to all planning staff and contracting officers to provide education on stormwater runoff, and to communicate the expectations for meeting meet the Control Measure Design Standards defined in **Part 2.6.9**;

2.5.5. Implement a closeout procedure such that newly installed post-construction stormwater control measures can be cleaned and are in working order as designed prior to closing out contracts; and

2.5.6. Upon closeout of new construction projects, include maintenance requirements and as-built specifications for newly installed permanent post-construction stormwater control measures into a plan or system which integrates into existing facility management procedures for FCI Englewood.

2.5.7. Retain construction as-built designs and maintenance requirements for all Control Measures installed for the purpose of meeting the Control Measure Design Standards defined in **Part 2.6.9** and New Development Planning Procedures for Specific Industrial Activities defined in **Part 2.6.10** for the life of the Control Measures. This requirement applies to vegetative and soil management requirements, minimization of directly connected impervious areas, and other green infrastructure practices designed to meet the infiltration requirements in **2.6.9.3.**

2.5.8. Inspect at a minimum, annually, all Control Measures installed for the purpose of meeting the Control Measure Design Standards defined in **Part 2.6.9** and New Development Planning Procedures for Specific Industrial Activities defined in **Part 2.6.10** to ensure that they are being maintained in a manner which meets their intended design. This requirement applies to vegetative and soil management requirements, minimization of directly connected impervious areas, and other green infrastructure practices designed to meet the infiltration requirements in **2.6.9.3.**

2.5.9. Control Measure Design Standards. The Permittee's requirements and oversight must be implemented to address selection, installation, implementation, and maintenance or Control Measures using one of the following design standards:

2.5.9.1. Water Quality Capture Volume (WQCV) Standard: The Control Measure is designed to provide treatment and/or infiltration of the water quality capture volume (WQCV), and:

- 100% of the covered development project is captured, except the Permittee may exclude an area not to exceed the lesser of 1,000 square feet or 1% of the covered development project when the Permittee has determined that it is not practicable to capture runoff from portions of the site that will not drain towards Control Measures, and implementation of a separate Control Measure for that portion of the site is not practicable (e.g., driveway access that drains directly to the street).

- Detention of the WQCV shall be a minimum of 12 hours, but shall be extended as needed to meet the Control Measure requirements of this Permit. Evaluation of the minimum drain time shall be based on the pollutant removal mechanism and functionality of the Control Measure implemented. Consideration of drain time shall include maintaining vegetation necessary for operation of the Control Measure (e.g., wetland vegetation).

2.5.9.2. Infiltration Standard: The Control Measure is designed to infiltrate, through practices such as green infrastructure, a quantity of water equal to 70% of what the WQCV would be if all impervious area discharged without infiltration.

2.5.10. New Development Planning Procedures for Specific Industrial Activities. In addition to the Control Measure Design Standards specified in **Part 2.6.9**, Control Measures such as oil and grease sand filters, secondary containment structures, and/or segregation of flows around pollutant hot spot areas shall be installed and maintained as practicable to reduce pollutants discharged from:

- Retail gasoline outlets and fueling areas;
- Restaurants and food service preparation facilities;
- Automotive service and supply stores; and
- Vehicle maintenance facilities.

2.5.11. The annual report (See **Part 3.2**) must document the following information related to construction site stormwater runoff control:

2.5.11.1. A description of the process used to ensure that all FCI Englewood contracts initiated after the effective date of this Permit contain language which requires the installation of permanent stormwater control measures and an excerpt of applicable contract language;

2.5.11.2. A description of the inspection and recordkeeping procedures and the assumptions provided to ensure the long-term operation and maintenance of permanent stormwater control measures;

2.5.11.3. A description of training provided to contracting officers regarding low impact development and green infrastructure; and

2.5.11.4. The name or title of the person(s) responsible for coordination and implementation of the

post-construction stormwater management program.

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2.6. Pollution Prevention and Good Housekeeping for Municipal Operations.

The Permittee must:

2.6.1. Conduct an annual snow meeting each fall to discuss strategies to prevent the misuse and over-application of chemical deicers;

2.6.2. Develop and implement a schedule for cleanout of storm sewer inlets in a manner which prevents significant deposition of sediment or other debris to receiving waters; and

2.6.3. Install and maintain control measures (structural or non-structural) which reduce the discharge of pollutants in stormwater runoff from electronic component recycling areas, herbicide and pesticide application areas, turf management areas, recycling/material storage areas, fuel storage and transfer areas, de-icer storage, lavatory waste transfer/disposal areas, industrial activities (e.g., welding), food service areas, and loading/unloading areas.

2.6.4. The annual report (See **Part 3.2**) must document the following information related to pollution prevention and good housekeeping for municipal operations:

2.6.4.1. A description of the contents and frequency of the training program for municipal personnel and a list of the personnel or positions trained during the term of the Permit;

2.6.4.2. A description of storm sewer inlet cleanout procedures and schedules, catch basin cleaning operations, and street sanding/salt practices, and any measures taken as a result of the evaluation to minimize negative impacts to water quality;

2.6.4.3. A description of any changes to control measures installed to prevent the discharge of pollutants from areas described in **Part 2.7.3**; and

2.6.4.4. A description of how maintenance activities are tracked for permanent stormwater control measures.

3. RECORDKEEPING AND ANNUAL REPORTS

3.1. Retention of Records:

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

3.1.1. The Permittee must submit the records referred to in Part 3.1. to the EPA only when specifically asked to do so. The Permittee must retain a description of the SWMP required by this Permit (including a copy of the Permit language) at a location accessible to the EPA. The Permittee must make records, including the application and the description of the SWMP, available to the public if requested to do so in writing.

3.2. Annual Report

3.2.1. The Permittee must submit an annual report to the EPA for each year of the Permit term. The first report is due April 1, 20XX, and must cover the activities during the period beginning on the effective date of the Permit through December 31, 20XX. Each subsequent annual report is due on April 1 of each year following 20XX for the remainder of the Permit term. Reports must be signed in accordance with the signatory requirements in **Part 5.7.** Reports may be posted on the EPA Region 8 web site. Therefore, parts of the annual report which cannot be publicly available should be marked as "confidential" or "for official use only." Reports must be submitted to the EPA at the following address:

U.S. EPA, Region 8
Attention: Stormwater Coordinator
1595 Wynkoop Street (Mail Code: 8WD-CWW)
Denver, Colorado 80202-1129

FOR LARGER FACILITIES, THIS SECTION INCLUDES A MASTER PLANNING REQUIREMENT WITH LANGUAGE SIMILAR TO THE FOLLOWING:

The Permittee must:

Not later than three years from the effective date of this Permit, develop a program to evaluate the water quality in McIntyre Gulch, as it both enters and leaves the DFC. This program shall at a minimum include evaluations of streambank stabilization, and water quality. The water quality monitoring program may include indicators such as chemical monitoring, assessment of macroinvertebrates or other aquatic life, or watershed assessment of river stability and sediment supply, provided that the monitoring program provides meaningful data to evaluate the effectiveness of the stormwater management program. The Permittee is responsible for evaluating data for analysis of trends;

Send a description of the water quality monitoring program to the EPA with the Annual Report for year three of this Permit term. Ensure Sufficiently Sensitive test methods are used. Programs will be assessed by the EPA Region 8 to determine whether the program meets the goals of this Permit and whether the data is being collected and reported in compliance with the EPA test procedures approved under 40 CFR Part 136; and

Develop a vision and/or design guidelines for McIntyre Gulch which define how it can be re-configured, conserved, and managed as a high quality receiving water and as an amenity for the Federal Center within 3 years of the effective date of this Permit. This could include a vision for how to reconstruct channels to include meanders, drop structures, and to utilize and enhance the function of the existing wetlands. This could also include a vision of how to connect McIntyre Gulch to existing pedestrian corridors or to provide alternative access points so it could be utilized as a recreational amenity for the Federal Center if so desired

4. COMPLIANCE RESPONSIBILITIES

4.1. Duty to Comply:

The Permittee must comply with all conditions of this Permit. Any failure to comply with the Permit may constitute a violation of the Clean Water Act and may be grounds for enforcement action, including, but not limited to termination, revocation and reissuance, modification, or denial of a permit renewal application. The Permittee shall give the Director advanced notice of any

planned changes at the permitted facility that will change any discharge from the facility, or of any activity that may result in failure to comply with permit conditions.

4.2. Penalties for Violations of Permit Conditions:

The Clean Water Act provides for specified civil and criminal monetary penalties for violations of its provisions. However, the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, requires the EPA to adjust the civil monetary penalties for inflation on a periodic basis. The EPA has adjusted its civil monetary penalties on January 15, 2018 (83 Fed. Reg. 1190-1194). The civil and criminal penalties for violations of the Act are as follows:

4.2.1. Any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under Section 402, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed $53,484 per day for each violation.

4.2.2. Any person who *negligently* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or both.

4.2.3. Any person who *knowingly* violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or any requirement imposed in a pretreatment program approved under Section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than three years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than $100,000 per day of violation, or imprisonment for not more than six years, or both.

4.2.4. Any person who *knowingly* violates Section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment for not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than $500,000 or by imprisonment for not more than 30 years, or both. An organization, as defined in Section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than $1,000,000 and can be fined up to $2,000,000 for second or subsequent convictions.

4.2.5. Any person may be assessed an administrative penalty by the Administrator for violating Section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of this Act. Where an administrative enforcement action is brought for a Class I civil penalty, the assessed penalty may

not exceed $21,393 per violation, with a maximum amount not to exceed $53,484. Where an administrative enforcement action is brought for a Class II civil penalty, the assessed penalty may not exceed $21,393 per day for each day during which the violation continues, with the maximum amount not to exceed $267,415.

4.3. Need to Halt or Reduce Activity not a Defense:

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

4.4. Duty to Mitigate:

The Permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment.

4.5. Proper Operation and Maintenance:

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the Permit. However, the Permittee shall operate, at a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve Permit effluent compliance.

5. GENERAL REQUIREMENTS

5.1. Planned Changes:

The Permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

5.1.1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the Permit;

5.1.2. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source.

5.2. Anticipated Noncompliance:

The Permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.

5.3. Permit Actions:

This Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5.4. Duty to Reapply:

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the Permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this Permit.

5.5. Duty to Provide Information:

The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Director, upon request, copies of records required to be kept by this Permit.

5.6. Other Information:

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

5.7. Signatory Requirements:

All applications, reports or information submitted to the Director shall be signed and certified.

5.7.1. All permit applications shall be signed by either a principal executive officer or ranking elected official.

5.7.2. All reports required by the Permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

5.7.2.1. The authorization is made in writing by a person described above and submitted to the Director; and,

5.7.2.2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

5.7.3. Changes to authorization: If an authorization under section 5.7.2~~4.7.2~~ is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of section 5.7.2~~4.7.2~~ must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

5.7.4. Certification: Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

5.8. Penalties for Falsification of Reports:

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

5.9. Availability of Reports:

Except for data determined to be confidential under 40 C.F.R. Part 2, Subpart B, all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

5.10. Oil and Hazardous Substance Liability:

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act.

5.11. Property Rights:

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

5.12. Severability:

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

5.13. Transfers:

This Permit may be automatically transferred to a new permittee if:

5.13.1. The current Permittee notifies the Director at least 30 days in advance of the proposed transfer date;

5.13.2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,

5.13.3. The Director does not notify the existing Permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the Permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in section 5.13.2~~4.13.2~~.

5.14. State Laws:

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

5.15. Reopener Provision:

This Permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

5.15.1. Water Quality Standards: The water quality standards of the receiving water(s) to which the Permittee discharges are modified in such a manner as to require different effluent limits than contained in this Permit.

5.15.2. Wasteload Allocation: A wasteload allocation is developed and approved by the state of Colorado and/or the EPA for incorporation in this Permit.

5.15.3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this Permit.